

1996 Division Report

The Division of State Court Administration assists the Indiana Supreme Court in the administration and management of Indiana's judicial system. The Division was established by statute, Indiana Code § 33-2.1-7-1, and is under the direct authority of the Chief Justice. Duties of the Division are assigned by the Supreme Court and the General Assembly. Under Indiana Code § 33-2.1-7-3 and Administrative Rules 1 and 2, the Division must collect and publish information on the workload and fiscal activities of all judicial and probation offices in the state. The data is published in two annual reports, The Indiana Judicial Report and The Indiana Probation Report. These documents are the empirical information base for judicial policy decisions by the Indiana General Assembly and the Indiana Supreme Court. Projections for 1996 caseload data indicate a record number 1.5 million new cases being filed in Indiana's courts.

Division staff participated in a two-year study spearheaded by the Judicial Administration Committee of the Indiana Judicial Conference that, in 1996, resulted in the publication of a comprehensive set of weighted caseload measure standards for Indiana's trial courts. This enhanced system of evaluating judicial resources and needs will be administered by the Division and used to quantify the statistical information gathered pursuant to Indiana Code § 33-2.1-7-3.

During 1996, the Division completed the preliminary phase of a project aimed at automating Indiana's judicial system. The project, Automated Information Management System (AIMS), was funded through a grant from the Criminal Justice Institute. The Division assembled an oversight committee of prospective users, employed a project consultant, and identified existing systems and applications. Representatives from the judiciary, clerks, prosecuting attorneys, administrators, the state board of accounts, the state police, the bureau of motor vehicles and other user groups served on the oversight committee. During this phase, eleven joint application development sessions, in which 280 prospective users participated, were conducted throughout the state. Through this process, 240 specific business needs were identified, prioritized, and relational associations were established. The end result was the design of a prototype for automated case management with model computer data entry screens. All screen layouts, requirements, information diagrams and design details will be made available to vendors and in-house systems to serve as a model of the necessary elements for an automated case management program for Indiana's courts. Also in 1996, a foster care and related services study in which Division staff participated was completed. This was a comprehensive assessment of the role, responsibilities and effectiveness of the judicial system in foster care and adoption proceedings in Indiana. The report will be made available to policy-makers within the executive, legislative and judicial branches of state government.

As part of the data gathering function, the Division also supervises a project for the automated data gathering and case tracking of juvenile cases. This is a federally funded project designed to gather demographic, charging, disposition and placement data on juvenile offenders. In 1996, data was collected on approximately 48% of the juvenile population in the juvenile justice system.

Through its newsletter, The Indiana Court Times, the Division maintains a vital communication link with all trial courts and their staff. The newsletter is a quarterly publication disseminated to over 2,000 entities. In 1996, a number of substantial rule changes, legislative enactments, administrative policies and other court news was communicated to the judicial community. Statutory provisions direct the Division to examine the administrative and business methods and systems employed in the courts and make recommendation for changes. As part of this endeavor, Division staff traveled to 25 counties for a total of 47 visits. Notable projects included the disposal of obsolete court records comprising approximately 150 four-drawer legal size file cabinets, implementation of a fiscal retention schedule for the Division of Supreme Court Administration, establishing procedures for microfilming of inactive files for the Board of Law Examiners and the Indiana Commission on Public Records, and proposing a tentative retention schedule for the records of the Commission on Continuing Legal Education.

In carrying out another legislatively assigned duty, the Division prescribes the forms used in protective order proceedings. Statistics from recent years indicate a substantial increase in the filing of such proceedings as more litigants avail themselves of this remedy. Also, the General Assembly has remained active in this area, and a number of 1996 legislative amendments dealt with protective order proceedings. Division staff published and distributed an Analysis of 1996 Protective Order Legislation summarizing the pertinent 1996 legislation and continually provides guidance and assistance to the trial court clerks and judges.

During 1996, after study by the Division staff and recommendation by the Records Management Committee, the Supreme Court promulgated a rule amendment allowing the record of proceedings from a trial court to be submitted for appeal in an electronic format under technical standards to be established by the Division. The Division also provides automation support services to the Supreme Court and court agencies, the Clerk's office, the Court of Appeals and the Tax Court. Notable automation projects during 1996 was the replacement of three AS/400 systems previously serving the Clerk's office, the Court of Appeals and the Supreme Court with a single RISC based AS/400; the enhancement of the internal network with remote access ability through 24 laptop computers with dial in ability.

The majority of the legal responsibilities of the Division staff are assigned by the Supreme Court and the Chief Justice. The Division legal staff serve as counsel to the Supreme Court in all matters involving attorney discipline and all requests for the appointment of special judges, special masters and senior judges. In 1996, seventy-two disciplinary complaints and two contempt matters were concluded. Of those, 41 were disposed by per curiam opinions, 27 by orders, and five by administrative admonitions. Eighteen other disciplinary proceedings, such as actions for reinstatement, were also disposed by order. Recent changes in the rules governing the method of special judge selection called for the establishment of local rules for such selection and certification to the Supreme Court in certain unusual circumstances. The Division maintains and

monitors all local rules. Requests for the appointment of special judges by the Supreme Court are reviewed for compliance with the particular local rules, the provisions of Trial Rule 79, and the existence of circumstances which may warrant appointment by the Supreme Court. In 1996, two hundred and fifteen requests for special judge appointments and 53 requests for senior judge appointments were reviewed.

The Executive Director of the Division also serves as the Executive Secretary of the Indiana Supreme Court Committee on Rules of Practice and Procedure, and Division legal staff provides assistance to the Committee and the Supreme Court in drafting and promulgating rule amendments. During 1996, Division staff assisted the Court in drafting and incorporating changes proposed by the State Bar and other entities including substantial amendments to rules regulating mandatory continuing legal education, admission to the practice of law, and alternative dispute resolution. Pursuant to Indiana Code § 33-2.1-7-3(a)(4), the Division provides legal and administrative staff support to the Indiana Judicial Qualifications Commission and the Indiana Judicial Nominating Commission in the performance of their statutory and constitutional functions. Separate summaries of the commissions' work during 1996 follow.

The Division also administers the payroll and benefit program for all state trial court judges, prosecuting attorneys, and other judicial officials paid by the state. As a result of a 1995 restructuring of judicial compensation by the General Assembly, the Division implemented new administrative procedures for the receipt and payment through the state payroll of county supplements to judicial salaries. The annual payroll account for this purpose approaches \$40,000,000.

In 1989 the General Assembly enacted legislation allowing the Indiana Supreme Court to utilize the services of former judges who have been certified as senior judges by the Commission on Judicial Qualifications. The senior judge program, small at first, has grown into an invaluable resource of seasoned judicial talent for a minimal cost. The Division administers all aspects of the program starting with certification by the Qualifications Commission, processing of requests for appointments, orders of appointment by the Supreme Court, and administration of payroll and benefits for the participants. During 1996, 53 former judges were certified and appointed as senior judges.

As part of the Division of State Court Administration, the General Assembly established an office of Guardian Ad Litem/Court Appointed Special Advocate (GAL/CASA) to provide partial state funding and assist local courts in providing services to victims of child abuse and neglect. During 1996, seventy-seven counties received funds from the GAL/CASA state appropriation. Also during 1996, the staff monitored the implementation of a Code of Ethics and Program Standards and conducted site visits to local programs seeking certification of compliance with the code. Staff visited and worked with eight local programs in training, recruiting and recognizing volunteers. The office provided additional education and support to the local programs in a series of regional directors' meetings co-hosted by local CASA directors in sixteen counties. In a special training session for CASA Directors co-hosted by the Division and Vigo County

CASA, participants learned to organize 1-2 day workshop events for parents with a focus on prevention of child abuse and neglect. More than 130 people participated in the annual 1996 Indiana CASA Conference which focused on child sexual abuse issues. The General Assembly has also charged the Division to serve as staff of the Indiana Public Defender Commission which develops standards for pauper defense services and provides partial reimbursement to the counties for eligible indigent defense expense. In 1996, \$380,275.60 was reimbursed to six counties for 50% of the counties' defense expenses in capital cases, and \$498,158.88 was reimbursed to five counties for 25% of their indigent defense expenses in non-capital cases.

Recognizing the administrative and managerial responsibilities of trial judges, the Supreme Court directed the Division to develop a program for advising and assisting judges on employment related issues. During 1996, the first year of the project, the Division legal staff provided advice and assistance in 40 counties. Issues addressed included the effects of the Americans With Disabilities Act, the Family Medical Leave Act, the Fair Labor Standards Act, and the Age Discrimination Act within the judicial environment, as well as assistance in 3 EEOC complaints, 1 Department of Justice investigation, and review of 13 court policy manuals. Also as part of an ongoing educational process, the Division legal staff made a number of educational presentations during the 1996 regional meetings of Indiana's judges, organized and participated in an Indiana Judicial Conference seminar on employment law, made specifically requested presentations in four counties, and participated in an orientation session of the newly elected judges.